

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

EMANUEL LEWIS BOONE,

Plaintiff,

v.

STEWART, *et al.*,

Defendants.

Case No. 1:20-cv-01282-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS AND  
DEFENDANTS

(ECF No. 13)

Plaintiff Emanuel Lewis Boone (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 13, 2020, the assigned Magistrate Judge issued findings and recommendations recommending that this action proceed on Plaintiff’s first amended complaint, filed November 6, 2020, (ECF No. 10), on a cognizable claim for deliberate indifference to medical care in violation of the Eighth Amendment against Defendants Jang, Stewart, and Lai. (ECF No. 13.) The Magistrate Judge further recommended that all other claims and defendants be dismissed from this action based on Plaintiff’s failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 6–7.) No objections have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED as follows:

- 5 1. The findings and recommendations issued on November 13, 2020, (ECF No. 13), are  
6 adopted in full;
- 7 2. This action shall proceed on Plaintiff's first amended complaint, filed November 6,  
8 2020, (ECF No. 10), against Defendants Jang, Stewart, and Lai for deliberate  
9 indifference to medical care in violation of the Eighth Amendment;
- 10 3. All other claims and all other defendants are dismissed from this action for failure to  
11 state a claim upon which relief may be granted; and
- 12 4. This action is referred back to the Magistrate Judge for proceedings consistent with  
13 this order.

14 IT IS SO ORDERED.

15 Dated: February 2, 2021

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17 SENIOR DISTRICT JUDGE  
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